

# **DRAFT -- Texas Council on Consumer Direction Bylaws**

## **1. Name and Legal Authority**

The Texas Council on Consumer Direction ("the Council") is authorized and governed by the Texas Health and Human Services Commission (HHSC) and Texas Government Code § 351.012.

This Council is abolished on July 1, 2020, four years after the date of its creation in compliance with Texas Government Code §2110.008(b).

## **2. Purpose and Role**

The purpose of the Texas Council on Consumer Direction is to advise HHSC on matters as described below:

The Council advises HHSC on the development, implementation, expansion, and delivery of services through consumer direction in all programs offering long-term services and supports that enhances a consumer's ability to have freedom and exercise control and authority over the consumer's choices, regardless of age or disability.

The Council makes recommendations to HHSC to:

- expand the delivery of services through consumer direction to other programs serving persons with disabilities and elderly persons under Texas Government Code, Chapter 531, Subchapter B;
- expand the array of services delivered through consumer direction;
- increase the use of consumer direction models by consumers;
- optimize consumer choice of Financial Management Services Agencies (FMSAs);
- expand access to support advisors for consumers receiving long-term care services and supports through consumer direction;
- monitor and analyze research for best practices in self-determination, consumer direction, and training;
- provide guidance and support to consumer outreach efforts; and

- increase informed choices, opportunities, and supports as a means to lead self-determined lives through the use of consumer direction models.
- perform other tasks consistent with its purpose as requested by the Executive Commissioner.

#### Reporting Requirements:

The Council files an annual written report to the Executive Commissioner no later than October 1st. The report includes:

- list of the meeting dates;
- the members' attendance records;
- a brief description of actions taken by the Council, including staff and member orientation, training, strategic planning, retention, and evaluation efforts;
- a description of how the Council accomplished its tasks;
- a summary of the status of any rules that the Council recommended to HHSC;
- a description of activities the Council anticipates undertaking in the next fiscal year;
- recommended amendments to this section; and
- the costs related to the Council, including the cost of HHSC staff time spent supporting the Council's activities and the source of funds used to support the Council's activities.

### **3. Council Composition**

The Texas Council on Consumer Direction is composed of 17 members appointed by the Executive Commissioner as described in Tex. Gov't Code Section 531.012.

The Council membership must include:

- three members to serve as consumers or potential consumers of the array of services provided through consumer direction;
- two members to serve as advocates for elderly persons who are consumers of the array of services provided to elderly persons through consumer direction;
- two members to serve as advocates for persons with disabilities who are consumers of the array of services

provided to persons with disabilities through consumer direction;

- three members to represent financial management services agencies providing services through consumer direction;
- one member to represent a STAR+PLUS managed care organization;
- one member to represent a STAR Kids managed care organization;
- one member who serves as a mental health services advocate for consumers who receive consumer-directed services;
- one member who represents a Local Intellectual and Developmental Disability Authority (LIDDA) for consumers who receive consumer-directed services;
- one member with experience providing personal care attendants for consumers who receive consumer-directed services;
- one member to serve as an advocate for pediatric consumers or potential consumers of the array of services provided through consumer direction; and
- one member to represent family members of pediatric consumers or potential consumers of the array of services provided through consumer direction.

A majority of the members of the Council must be composed of consumers and advocates.

Council membership must include, to the extent possible, individuals representing a range of ages and disabilities, including:

- individuals with an intellectual disability or related condition;
- individuals with a physical disability;
- individuals who are age 65 or older;
- individuals with mental health needs; and
- individuals with children with high medical needs.

Nonvoting members. Each nonvoting member is appointed by his or her respective agency as follows:

- two representatives with an expertise in consumer direction from HHSC or another state agency as considered necessary by the Executive Commissioner;
- two representatives from the Texas Workforce Commission, one representing state unemployment and one representing employment services for individuals with disabilities;
- one representative with expertise on managed care organizations from HHSC or another state agency as considered necessary by the Executive Commissioner;
- one representative of the Texas Department of Family and Protective Services; and
- one representative with expertise in mental health from HHSC or another state agency as considered necessary by the Executive Commissioner.

Additional nonvoting members may be added, as considered necessary by the Executive Commissioner and/or the Council.

#### **4. Member Terms**

Appointed members will serve for three or four years. Initial terms will be staggered by a year to ensure continuity of Council work (e.g. staggered three and four year terms will be drawn by lot at the first organizational meeting). Members drawing a term they believe they will be unable to serve may exchange the term they drew with another member.

Individuals will normally serve for only one term; however, at the discretion of the Presiding Officer, an individual may be appointed [or apply] for one additional term. These terms may be served consecutively. The expiration of membership terms occurs on July 1<sup>st</sup> of the year terms expire. To ensure sufficient, appropriate representation, a member serves until his/her replacement has been appointed.

## **5. Resignations, Expirations, Terminations, and Vacancies of Membership**

If any member of the Council wishes to resign, the member will contact, in writing, the Executive Commissioner, current Chair, and Council point of contact (Presiding Officer) requesting the appointment of a successor member.

In the event of a vacancy for any reason, the Executive Commissioner shall fill the vacancy with a representative of the same membership category to serve the unexpired portion of the term of the vacant position. Persons who previously submitted applications through HHSC may be reconsidered for membership. Additionally, a solicitation of nominations from other interested individuals in the same membership category may occur.

Membership can be terminated for one or more of the following reasons:

- Absence in three meetings within 365 day period;
- Inactivity and lack of responsiveness between two quarterly meetings;
- Resignation;
- Member does not adhere to Open Meetings Act and/or Public Information Act;
- Conflict of interest arises;
- An ethical breach has been made.

## **6. Presiding Chair and Vice-Chair**

In compliance with Government Code §2110.003, Council members will elect the Chair of the Council. The chair will serve a term of four years until December 31 of each even numbered year. In the event that the Chair is unable to complete his/her term for any reason, Council members will elect a replacement to fill the remainder of the unexpired term. Council members will appoint a Vice Chair to serve in the Chair's absence. The role of the Chair and Vice-Chair is to:

- Report to the HHSC;
- Provide democratic leadership in conducting Council meetings;
- Promote, maintain and encourage a participatory environment;

- Call meetings as needed to accomplish the work of the Council;
- Ensure the Council adheres to its charge;
- Call for the development of subcommittees (if applicable);
- Confer with HHSC staff to acquire the support needed for Council operations; and
- Leads Council strategic planning efforts.

## **7. Council Operations and Meetings**

- Meetings
  - The Council meets during regular business hours at least quarterly at the call of the Presiding Officer.
  - The Council is subject to Texas Government Code Chapter 551 (the Texas Open Meetings Act).
- Quorum
  - A majority of voting members (one over 50%) shall constitute a quorum for the purpose of transacting official business. If less than a quorum of the Council is present, action items may not be voted upon, although testimony and public comments may be taken.
  - For all business except adopting or amending bylaws, a simple majority is needed. (A simple majority is defined as more than half of the votes cast by persons entitled to vote who are in attendance with a quorum, excluding abstentions.)
  - Council recommendations will be adopted pursuant to a simple majority vote on a motion duly made and seconded.
- Voting
  - Members have the right to vote on any subject that is provided on the agenda. Council members may also vote on operational or procedural matters that come before the Council.
  - Members may not authorize another individual to represent the member by proxy.
- The Council may use Roberts Rules of Order as a guide to its operations and proceedings.
- Adoption and Revision to Guiding Principles/Bylaws

Council members of HHSC staff may propose changes to these guiding principles/bylaws. All such proposed changes, along with the rationale for the changes should be submitted in writing to staff at

HHSC at least 30 days prior to the next Council meeting for inclusion in the publication of the agenda in the *Texas Register* and distribution to the members for their consideration. Amendments will be passed and become effective based on a two-thirds (2/3) vote of a quorum of the Council.

The Bylaws will become effective as of the date they are adopted by the Council. The Council will make note of the date of the adoption of the Bylaw in its minutes.

## **8. Responsibilities of Members**

- Attendance

Members are expected to attend all meetings. A member unable to attend a meeting should notify HHSC staff in advance as soon as they are able. Staff will notify the Chair and appropriate program staff. Members may not send a substitute to attend a meeting in their place.

If any member misses three (3) meetings within a 365 day period, with or without notice to the designated HHSC staff, the member will be removed/terminated from the Council.

- Member expectations:

- Attend meetings;
- Participate in subcommittees/work groups as assigned;
- Prepare for meetings - Review agendas and other information sent by staff prior to each meeting;
- Participate in discussions at meetings;
- Build a collaborative working relationship with other members;
- Maintain a level of integrity that warrants public trust;
- Submit travel expenses (if applicable) within 30 calendar days of the meeting;
- Comply with all aspects of the Texas Open Meetings Act and Public Information Act;
- Abstain from voting on issues that would provide monetary gain to the member or that could be a conflict of interest;
- Notify the Council chair and point of contact if a change of job alters the category of membership which they were filling or if any

circumstance occurs that prevents the member from being able to discharge his or her duties due to illness or disability; and

- Comply with all ethics policies adopted by HHSC or the Texas Ethics Commission.

## **9. Subcommittees and Workgroups**

As the need arises, the Chair and/or the Presiding Officer may establish subcommittees and workgroups that meet at other times for purposes of studying and making recommendations on issues the Council determines appropriate to the charge of the subcommittee.

Subcommittees may be created for a limited period of time and will cease to exist when their assigned tasks are completed or upon determination of the Chair and/or Executive Commissioner.

Members of subcommittees are not required to be members of the Council, but a member of the Council must be the chair or co-chair of any such subcommittee. Such subcommittee(s) will follow the general rules of the Council as applicable. The subcommittee(s) must keep and report the minutes of the meetings.

## **10. Responsibilities of Support Staff**

HHSC support staff will provide reasonable administrative and technical support and coordination for all Council activities. The Commission will provide the accommodations and supports needed by a Council member who is a consumer of [intellectual or developmental disability or other specific type] services to enable them to fully participate in Council meetings and activities.

Staff is expected to perform the following tasks:

- Develop an effective working relationship with members;
- Solicit nominations for membership;
- Act as liaison between members and operating agencies' staff; and
- Plan, coordinate, and organize Council meetings, subcommittees, and workgroup activities, including but not limited to:
  - Notify members of upcoming meeting dates, times, and locations;
  - Develop agenda and support materials for each meeting;
  - Prepare and oversee that agenda is posted in the *Texas Register* in a timely manner and the HHSC website;



- Act as point of contact for the public including ensuring contact information, agendas, and meeting support materials are easily accessible on the HHSC website;
- Prepare and distribute information and materials for member review;
- Prepare and maintain Council records and documentation;
- Arrange meetings and meeting sites; and
- Assist members with travel arrangements and reimbursement.

## **11. Compensation**

A member of the Texas Council on Consumer Direction is not entitled to any compensation.

Travel Reimbursement: Members are not paid to attend meetings or for travel expenses. **NOTE:** You may be able to get paid for your travel expenses to and from meetings if you are:

- A member with intellectual or developmental disabilities (IDD) who is receiving services under the Medicaid waiver programs;
- A member with IDD who is receiving services under the Intermediate Care Facility for individuals with intellectual disabilities (ICF-IID) program; or,
- A relative of an individual with IDD receiving services under either of those programs.

## **12. A letter of Understanding**

A signed letter of understanding will be required by all Council members.

---THIS PAGE INTENTIONALLY LEFT BLANK---

DRAFT